

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

ANTHONY BILLINGS

Petitioner,

v.

**Civil Action No. 1:08cv47
Criminal No. 1:04cr27
(Judge Keeley)**

UNITED STATES OF AMERICA,

Respondent.

ORDER DENYING AS MOOT PETITIONER'S IFP MOTION

The pro se petitioner initiated this case pursuant to a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. Pending before the Court is the petitioner's Motion to Proceed In Forma Pauperis.

There are no filing or service fees associated with a § 2255 motion. The only instance in which this Court would be required to determine the petitioner's status as a pauper is upon a motion for counsel or a motion for transcripts. Because a review of the files shows that the petitioner has filed no such requests, his motion to proceed as a pauper (dckt. 2/200) is **DENIED as MOOT**.

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the pro se petitioner.

DATED: January 29, 2008.

John S. Kaull

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE